



PHOTOS BY WILSON A. RIVERA

Staff Sgts. Christopher Gay and Quavise Cherry open the roof latches that are used in an emergency where the bus is on its side.

Middle schoolers learn evacuation drill

WILSON A. RIVERA

Monitor Staff

Soldiers aren't the only ones who conduct scenario-based safety training to prepare for the real thing.

More than 800 Bassett Middle School students participated in a mock drill Friday in front of the school, dur-

ing which they learned to exit a school bus in an orderly fashion in case of an emergency.

"There isn't anything like hands-on training," said Staff Sgt. Christopher Gay, a student at the Basic Noncommissioned Officers' Course at the NCO Academy here, who helped with the execution of the drill.

Sixth-, seventh- and eighth-grade students watched an instructional video, *The Safest Way Out – Emergency School Bus Evacuation* to capture the visual aspects of what to do if an emergency occurs. Students then moved to buses outside to practice what they had just seen. BNCOC Soldiers interacted with students boarding the buses and demonstrated where the exits were located.

As students boarded the buses, Soldiers took positions near the rear-door exit, window exits, roof latches and the front door. Bus drivers identified where fire extinguishers, radios and release switches for the front doors were located.

The best way off a bus during an emergency is through the front door, according to the instructional video.

In an accident or emergency, the bus driver calls the dispatch and hangs the radio's microphone out the window so it can be used from outside the bus. Student leaders assist others off the bus and escort them toward a rallying point while, one by one, students



Buses line the front of Bassett Middle School where students prepared to train on exiting a bus in an emergency situation.

empty out the bus alternating row by row. If it is unsafe in the forward compartment of the bus or if the bus is on its side, students can exit through the rear door or use the emergency latches in the roof of the bus.

The idea for the drill came about because the BNCOC class wanted to assist a local school with some sort of project, said Staff Sgt. Katina N.

Fults, BNCOC small group leader instructor.

Following the drill, Soldiers helped students with work assignments and ate lunch with them.

"It's a good way to give back to the community, since they do so much for us," said Staff Sgt. Quavise Cherry, BNCOC Soldier.



Staff Sgt. Jared English demonstrates the procedure to follow if a rear-door exit is used during an emergency.

Soldiers compete in *Call of Duty 4* tournament

VIRGINIA REZA

Monitor Staff

Soldiers of the Transition Battalion tested their coordination skills Thursday during a *Call of Duty 4* tournament, sponsored by Morale, Welfare and Recreation and held in Bldg. 2445.

Spc. Ernesto Cabrera from the 2nd Battalion, 7th Cavalry Regiment, currently assigned to WTB, won first place. Cabrera was wounded in the left shoulder while pulling security in Iraq. He plays *Call of Duty 4* on a daily basis, which upsets his wife, but he says concentrating on the game keeps his mind clear of other things and, although the game sometimes reminds him of being deployed, he thinks it is the best game in the market.

“Some of my buddies I work with and play with online are actually amazed at some of the weapons systems and scenes in the video that are so realistic,” Cabrera said. “I would have to say (*Call of Duty 4*) is the most lifelike one out there, and without a doubt the best one.”

Pfc. Doug Clive, who had never played the game before, said, “I stink at it, but I’m going to enter the contest; might as well have some fun while I’m here.”

Cabrera won a \$50 gift card, Pfc. Carlton Johnson, second-place winner, received a \$40 gift card and Cpl. Michael Ledford took third place and was awarded a \$35 gift card. The fourth-place winner, Clive, won a \$25 gift card. All of the participants are assigned to the WTB.

“We hope they enjoy the tournament,” said Ruben Gonzalez, recreation assistant for MWR. “We are hoping to have more in the future. This tournament is just a little something to show our appreciation.”

Nintendo Wii and Xbox 360 games were also set up for those who did not wish to compete in the tournament.

“I was hoping my wife had come along, so she could actually see how well we get treated here,” Cabrera said. “Not so much for myself, because I live off post, but for the others who live here.”



VIRGINIA REZA

Spc. Ernesto Cabrera from the 2nd Battalion, 7th Cavalry Regiment, currently assigned to WTB, practices before the *Call of Duty 4* tournament Thursday in Bldg. 2445.

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Two weeks ago my sons took me to a high school basketball game while I was visiting them in Mississippi. We went to watch the intense rivalry between the Lafayette County Commodores and the Oxford Chargers.

Every time a team scored, their side of the bleachers went nuts. People jumped up stomping, dancing, singing and laughing at the other team and pointing at them. I watched some tremendous plays and some equally big turnovers. Sometimes the ball was turned over simply because a player didn't watch the boundary.

In a basketball or football game, play stops when the participants step out of bounds. Sometimes the pass that worked so well in practice misses its mark. When the pass slips off a player's fingers and spirals out of control over the boundary line, it is devastating. In football you can be wide open on the two-yard line, and the tremendous leap to get airborne and miraculously snatch the ball out of midair is worthless when one foot barely touches out of bounds during the landing. Missing the opportunity to score is frustrating, but boundaries have a purpose. They protect fair play.

We have boundaries in our relationships as well. Play stops when we step out of bounds. Whenever we have an argument, we appeal to a standard or rule of fair play. We want wrongs to be made right. In the Bible we read about a series of covenants, which began with the one God initiated with Adam and Eve. One covenant sticks out in my mind and is especially important for this discussion. The covenant between Jacob and his father-in-law, Laban, in Genesis 31, is significant because it was sealed with an altar that marked a physical boundary. There would be consequences if either party to the covenant crossed the boundary to harm the other.

Boundaries ensure the peace and safety healthy relationships need. In *Mere Christianity*, C.S. Lewis wrote about a moral law he also referred to as the "Law of Decency." He said we have a herd instinct that stimulates us to respect the boundaries of others and "do no harm." We also have a basic instinct of self-protection that stimulates us to do what is best for us. At times it is appropriate for the moral impulse to overrule the self-protective instinct so that we do what is best for others. Christians identify this instinct as the work, or conviction, of the Holy Spirit. We need to have boundaries to know

how to govern our behavior.

God set the ancient boundaries for relationships when he gave us the Ten Commandments, which teach us how to treat God, how to care for ourselves and how to care for others. These relational boundaries keep us emotionally and spiritually healthy. In *Boundary Power*, written by Mike O'Neil and Charles Newbold, we read that boundaries help us identify the difference between safe and unsafe people. They also help us understand the difference between appropriate and inappropriate interaction in every situation and in each unique relationship. We have relational, sexual, physical, emotional and spiritual boundaries.

In the Army, we cannot commit adultery with the spouse of another Soldier. We can't sexually harass co-workers. We cannot cause physical harm to anyone at work or in our own homes. This is assault and domestic violence. Superior officers and noncommissioned officers cannot violate the public trust by using their authority to coerce Soldiers to act against their will and conscience, especially when it is outside their scope of authority to do so. This is abuse of power. The Army protects these boundaries. The Bible also teaches us that husbands shouldn't violate the

boundaries of wives and vice versa. Parents shouldn't violate the boundaries of children and children should respect parents' boundaries.

Sometimes we can feel uncomfortable asking someone else not to tread on us by violating our boundaries. If we cannot ask people to treat us fairly, it means we are unhealthy. Years of manipulation can teach us to deny all of our self-protective instincts and make us vulnerable to unsafe people. Unsafe people do not understand boundaries and are equally unhealthy. We may not understand what boundaries are all about, but our common sense tells us we are being mistreated.

Often we don't know what to do about this mistreatment and may feel guilty for bringing it up. We can hold our frustration in for so long that we emotionally explode and burn bridges that are difficult to repair. There are ways to protect boundaries and facilitate growth and respect in relationships.

So build bridges. Remember the boundaries God gave us. Stay in play. Keep your eyes on the boundaries. Keep "both feet in." And when the boundaries get fuzzy, see your chaplain.



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Center Chapel One (Bldg. 315)		
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Center Chapel Three (Bldg. 1441)		
Latter Day Saints	1:30 p.m.	
Center Chapel Four (Bldg. 2498)		
H.O.P.E. Service	9 a.m.	
Center Chapel Five (Bldg. 5312)		
German Protestant Service	9:15 a.m.	
Sage Hall (Bldg. 311)		
Centurion Gospel Service	8:45 a.m.	
Biggs Airfield Chapel (Bldg. 11275)	10 a.m.	
WBAMC Hospital Chapel	10 a.m.	
The Rock (Bldg. 195)		
"Chapel With A Beat!!!"	11:30 a.m.	
McGregor Range Chapel		
Sunday Protestant Service	6 p.m.	
Sunday Latter Day Saints	7 p.m.	
Protestant Religious Activities		
Sunday		
Children's Church, CC1 (Bldg. 449)	10:15 a.m.	
Adult Bible Study, CC1 (Bldg. 451)	11:15 a.m.	
Sunday School, Hope (Bldg. 2498)	10:30 a.m.	
Sunday School, Biggs Chapel Annex	9 a.m.	
Monday		
Handbell Choir, Bldg. 444	7 p.m.	
Tuesday		
Adult Bible Study, CC1 (Bldg. 449)	9:30 a.m.	
Navigator Bible Study, Hope (Bldg. 2498)	7:30 p.m.	
Single Soldier Bible Study, Hope (Bldg. 2498)	6:30 p.m.	
Choir Rehearsal, Sage Hall (Bldg. 331)	6:30 p.m.	
Wednesday		
Adult Choir Rehearsal, CC1 (Bldg. 440)	7 p.m.	
Children's/Teen Choir, Sage Hall (Bldg. 331)	5:30 p.m.	
PWOC, CC1 (Bldg. 449)	9:30 a.m.	
Adult Bible Study, Biggs Chapel Annex	7 p.m.	
LDS Bible Study, CC3 (Bldg. 1441)	6:30 p.m.	
Thursday		
Worship Band Rehearsal, Hope (Bldg. 2498)	7 p.m.	
Bible Study, Sage Hall (Bldg. 331)	5 p.m.	
Choir Rehearsal, Biggs Chapel (Bldg. 11275)	7 p.m.	
Saturday		
1st Sat PMOC Bible Study, CC1 (Bldg. 440)	8 a.m.	
Battle Cry Youth Group		
Sunday, Youth Center (Bldg. 195)	4 to 6 p.m.	
Thursday, Biggs Chapel Annex	6:30 to 7:30 p.m.	
Friday Home School Edition, YC (Bldg. 195)	11:30 a.m. to 1 p.m.	
Catholic Worship Services		
Saturday		
Center Chapel 2 (Bldg. 1542)		
Confession	3 p.m.	
Mass	4 p.m.	
Sunday		
Center Chapel 2 (Bldg. 1542)		
Sunday Mass	8:30 a.m. and 11:30 a.m.	
Holy Day Of Obligation Mass	5:30 p.m.	
Center Chapel 1 (Bldg. 315)		
Daily Mass	11:35 a.m.	
Holy Day Of Obligation Mass	11:35 a.m.	
WBAMC Catholic Services		
Saturday		
Hospital Chapel Mass	5 p.m.	
Sunday		
Hospital Chapel Mass	8:30 a.m. and 11:30 a.m.	
German Catholic Services		
Sunday		
Chapel 5, Robert E. Lee Road (Bldg. 5312)	10:30 a.m.	
McGregor Range Catholic Services		
Saturday Catholic Mass		
Catholic Religious Activities		
Sunday		
Religious Formation, CC1 (Bldg. 449)	9:45 a.m.	
RCIA, Bldg. 451	9:45 a.m.	
Adult Bible Study, Bldg. 442	9:45 a.m.	
Adult Confirmation, Bldg. 451	9:45 a.m.	
Liturgy Of The Word/Child., CC2 (Bldg. 1542)	11:30 a.m.	
Monday		
Catholic Mass Choir Reh., CC2 (Bldg. 1542)	6:30 p.m.	
Tuesday		
Catholic Mass Choir Rehearsal, CC2 (Bldg. 1542)	7 p.m.	
Friday		
MCCW, CC1 (Bldg. 449)	9 a.m.	
Saturday		
Catholic Mass Choir Rehearsal, CC2 (Bldg. 1542)	10 a.m.	
Islamic and Jewish Services		
Jummuh (Islamic Service)		
Friday, Bldg. 442	12:30 p.m. (MST), 1:30 p.m. (DST)	
Ta'aleem (Islamic Teaching)		
Tuesday, Bldg. 442	6:30 p.m.	
Jewish Service		
Friday, Center Chapel Three (Bldg. 1441)	8 p.m.	

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There Will Be Blood strikes cinematic black gold

DUSTIN PERRY

Editor

The first 15 minutes of *There Will Be Blood*, director Paul Thomas Anderson's haunting new masterpiece of a film, crawl by without even a single word. In a dark and cramped mine several feet underground, a man doggedly chips away at a chunk of ore and spits on several pieces in hopes of seeing the glimmer of precious metal shine through. Quite by accident, he eventually does hit pay dirt, but in the form of an expensive black puddle that begins to seep from the ground. It's a fantastic sequence, and it sets the stage for a mesmerizing three-hour ride that will stay with you days after you watch it.

The man is Daniel Plainview (played with Oscar-deserving ferocity by Daniel Day-Lewis), and his story kicks into gear after he has become fairly successful in the oil racket. He makes contracts with simple townsfolk to drill the veins

of their land with grand promises of untold wealth and prosperity for them, but to call him a deceitful businessman would be a grand understatement. His adopted son H.W., whom he calls his "business partner," gives him the family-man persona he needs to win over even the most skeptical farmer.

Plainview gets a tip to visit the small town of Little Boston and discovers rivers of black gold are flowing beneath the ground, unbeknownst to the town's residents. He quickly jumps on the opportunity to make some serious money from this group of naïve small-timers. Within this simple plot thread lies an achingly complex study of one man's meteoric rise to the height of power and his just-as-quick descent into the darkest pits of humanity, where money and mansions are no comfort for loneliness and lunacy.

Conflict for Plainview comes in the form of Paul Sunday, the town's pastor,

played with manic evangelism by Paul Dano (*Little Miss Sunshine*). Each man immediately sees the other for what they really are — Plainview a self-centered and dishonest shyster, and Sunday a fanatic who employs "faith healing" and over-the-top sermons to keep the people's allegiance to the church. Their rivalry carries on throughout the movie, first with tiny psychological jabs at each other's pride and then with increasingly savage acts of violence and betrayal. It is fascinating to watch, mainly because you don't really know what you're watching. If both men are doomed souls — and make no mistake about it, they are — and yet their intentions are at least somewhat fueled by honesty and a need to survive, who do you root for?

More than likely, Plainview will end



up winning you over, and he'll do it the same way he does to the characters in the movie: with smooth talk, a smile he must have swiped from the devil, and just a splash of insane genius to make you hear exactly what he wants. Day-Lewis positively owns this role, and he quashes any doubt you may have that he can't end *There*

Will Be Blood's fantastic buildup with a satisfying conclusion that will leave you breathless. In a very Kubrick-ian locale, Plainview has his showdown with Sunday, during which he wins the final battle but loses a much bigger war. Delivering it with the perfect mix of both hopelessness and accomplishment, Day-Lewis brings to a close one of history's bleakest and most harrowing cinematic journeys with his final line: "I'm finished!"

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Odelay: Beck's opus still crazy-good after all these years

DUSTIN PERRY

Editor

Before I bought *Odelay* – Beck's landmark 1996 opus and unquestionably my favorite album of all time – my music tastes were, to say the least, quite unremarkable. Only after popping the disc in my CD player and listening to all 13 glorious tracks did I realize there was more music out there than just Top 40 radio and disposable, homogenized pop.

In the dozen years since its release, I have played and replayed *Odelay* enough that it is practically a part of my DNA. I can recite every lyric. It is my go-to album when I can't decide what to listen to in my car. There will never be another one like it. It was the perfect collection of music for its time and place.

Mind you, these are just the biased opinions of one man, but not many can deny the impact *Odelay* had on the musical landscape – both then and now. The new two-disc, deluxe reissue of the album serves as a great reminder of how much the late 90s sound was influenced by a funky white boy who slapped together collages of sound and transcended genres as much as he reinvented them. It also provides an intro-

duction to the younger listeners of today who may not even know who Beck is.

The first disc encompasses the original album in its entirety, beginning with the classic opening guitar riff of "Devils Haircut" and ending with the folksy slumber of "Ramshackle." In between are singles like "The New Pollution," "Jack-Ass" and the insanely catchy "Where it's At." As I said before, enough listens to the lesser-known tracks in between will bring just as much pleasure as the hits. Three bonus cuts are included at the end of disc one: "Deadweight," previously available only on the soundtrack to *A Life Less Ordinary*, and "Inferno" and "Gold Chains," which were previously unreleased from the original *Odelay* sessions.

"Deadweight" could be considered the precursor to the Brazilian sound Beck toyed around and finally let loose with on follow-up album *Mutations*. "Inferno" is an experimental track full of distorted, loud vocals and a driving guitar beat. The deliriously funny "Gold Chains" sports some of Beck's best early non sequiturs and free-associated, rap-delivery goofiness. There are veterans in the hip-hop business



who would have given their right arm for the beats Beck was coming up with in those days.

The first disc, along with the tacked-on bonus material, is reason enough to buy *Odelay Deluxe* (*Odeluxe?*), but don't forget about the second disc. There are some fantastic remixes of "Where it's At" and "Devils Haircut," along with 13 B-sides that range from the bouncy "Electric Music and the Summer People" to the fuzzed-out

rock of "Lemonade," ".000.000," and "Brother." A personal favorite of mine is disc-two closer "Burro," a mariachi version of "Jack-Ass" sung in gorgeous Spanish by the man himself.

I could ramble on about the genius of this album for about 300 more paragraphs if you let me, but instead I'll just give *Odelay* my full-fledged stamp of approval and recommend you give it a listen if you don't already love it, too.

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Claiming your child on your tax return

CAPT. DANIEL R. CRUMBY
Legal Assistance Attorney

Question: I pay child support every month, but I never get to claim my child on my tax return. Is this right? Is this fair? How can I correct this?

The fact that you pay child support does not automatically entitle you to claim your child as an exemption on your tax return. Your right to claim your child depends on your individual situation.

Claiming a child on your tax return as an exemption reduces your taxable income and saves you money. The exemption for this tax year is \$3,400. You may be able to claim other tax benefits from your dependents.

If you were never married to your child's other parent, the custodial parent is generally entitled to the exemption. Even if your son or daughter was born out of wedlock, you still may claim the child as an exemption on your tax return, if the child lived with you for more than half the year and you paid more than half of his or her support. Your child must be a U.S. citizen or a U.S. national. You should ensure, at the very least, that your name is on the birth certificate, in case a question arises as to whether you are the parent.

Normally, a court that sets child support through a state agency will not address who may claim the child for tax exemptions. You should ask the court to do so, if you are called to court for child support. If not, you may have to file a separate action in court to obtain a court order granting you the tax exemption.

If you are married to the child's other parent and you have separated pending a possible divorce, the custodial parent is generally entitled to the exemption. The IRS will look to who had the child for the greater part of the year and they count the number of days spent in each parent's custody. Understand that, if the parent who has the child the majority of the time will nonetheless agree to waive their right to claim the child, then the other parent may claim the child as an exemption.

If you are divorced, the divorce decree should spell out who may claim the child as a tax exemption. When both parents work, it is typical for the parent to rotate who may claim the child for tax purposes each year. If the divorce decree is silent on the subject, the IRS will again assume that the person who has custody of the child may claim the child as the exemption. Keep in mind that some divorce decrees make your right to claim the child as an exemption contingent on being current with child support. Make sure your divorce decree addresses this issue.

Question: The divorce decree says I am entitled to claim my child for tax purposes, but my former spouse stepped in and wrongfully claimed the exemption, before I could file my tax return. What do I do?

Normally, the custodial parent should sign and give to the non-custodial parent the IRS Form 8332. This form acknowledges that the custodial parent waives their right to claim the child on their tax return for certain years.

If the custodial parent refuses to sign the IRS Form 8223 and disobeys the divorce decree and takes the exemption, you have several options. First, you can always initiate court proceedings against the parent and have them held in contempt. Assuming this was the issue addressed in the divorce decree, they may be required to repay the money you lost and to reimburse you for attorney

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Windy season has descended onto El Paso

MANUEL CARO

Senior Claims Examiner

Blustery, high winds are here early, affecting the El Paso and Fort Bliss communities. It is not uncommon for the wind to blow very hard, sometimes reaching extremely high velocities. Each year, high winds in excess of 50 miles per hour pound the surrounding areas. The wind and debris often cause damage to property.

High winds can cause power outages, damage to vehicles and damage to other personal property. Servicemembers sometimes sustain such damage. The Personnel Claims Act, a gratuitous payment statute that provides for payment to proper claimants for loss, damage or destruction of personal property, governs the adjudication of claims brought for compensation for these losses. The success or failure of a claim brought under the PCA depends upon whether or not an "unusual occurrence" caused the loss or damage. Wind damage does not qualify as an "unusual occurrence" unless the damage caused is unusually severe (i.e. windows blown out).

Claims regulations state damage resulting from power fluctuations are not normally considered unusual, so claims for such damages are usually not compensable. The damage may be compensable, however, only if the power company records or if similar evidence shows a particular residence or group of residences were subject to extraordinarily intense power surges. Since only damages resulting from unusual occurrences are compensable, Soldiers and dependents should take measures to protect valuable home appliances and other equipment. A surge protector is a relatively inexpensive way to protect electronic equipment.

The PCA considers most damage high winds cause as gradual deterioration and not the result of an unusual occurrence. The claims office will not pay for paint jobs as a result of sand pitting, but when there is extraordinary damage such as cracked or broken glass of windows and windshields directly caused by flying debris, these instances may be considered an unusual occurrence and merit compensation.

Likewise, it is unusual for winds to blow down a large tree or a significant portion of a tree. Claims for this type of damage may also be compensable.

If high winds cause power to fluctuate, debris to fall or flying debris to damage your vehicle or other personal property, you may be able to recover for the damage by filing a claim under the PCA.

Who is a proper claimant? Army claims offices are authorized to compensate:

- Soldiers on active duty
- Members of the Army Reserve or the Army National Guard engaged in active service or inactive duty training
- Civilian employees of the Army or the ARNG while at their assigned employment
- DoD civilian employees who are not employees of the Air Force, Navy or Marine Corps

Taking the following actions will improve the success of your claim:

Immediately notify the Military Police when damage is discovered and have them complete a FB Form 1303. The MPs will verify your damages. Do not move your vehicle until they arrive. Inspect your vehicle and list all damages the high winds caused on FB Form 1303. It is the claimant's responsibility to show by clear and convincing evidence the wind damage occurred while the vehicle was on a military installation. If you reside off post, you must provide this office with a statement from a disinterested person who had direct knowledge your vehicle was on a military installation when the high winds damaged your vehicle. After complying with the above requirements, you need to report to the claims office at Bldg. 113, 2nd floor, to obtain a wind claims packet. A claims examiner will inspect your vehicle and take damage photos.

Claimants whose insurance policies cover all or part of their loss must provide a copy of their insurance policy to the claims office with their claim. Such claimants must file and settle claims with their insurers before settling a claim with the government.

Comprehensive vehicle policies will cover most loss and damage cognizable under the PCA. Local laws require liability coverage, and failure to maintain such coverage is normally a basis for denial of an individual's claim. Additionally, a damaged vehicle must be registered on post in order for a claim to be successful. The PCA does not provide for the payment of insurance premiums or the deductible amount of an insurance policy.

A claimant who refuses to provide a copy of their insurance policy, submit a demand on the insurer or take other action necessary to present a demand on the insurer, will have their claim denied, absent good cause. In the absence of clear evidence to the contrary, the claims office may assume the claimant's insurer will fully compensate the claimant and may deny the claim on this basis.

For more information, contact the Fort Bliss Claims Division at 568-6751 or 568-5197.

to you in the past, you should electronically file your return. The first to claim the child will be able to do so without rejection from the IRS.

The Fort Bliss Tax Center electronically files taxes for free. W-2's for the Army are available at <https://mypay.dfas.mil/>. The TC saves servicemembers tax preparation fees and helps servicemembers collect refunds. Last year, the TC saved the Fort Bliss community more than \$339,664 in tax preparation fees.

The Fort Bliss Tax Center is located at Bldg. 50 on Slater Road, two buildings down from Fire Station No. 1. The Tax Center is taking appointments and walk-ins. To schedule an appointment, call 568-4999.

Claiming

Continued from **Page 39**
fees and court costs.

Initiating court proceedings is often too expensive and time-consuming. If you are entitled to claim the child on your tax return, simply include a certified copy of your divorce decree and mail your tax return to the IRS, along with a cover letter. The IRS will review the decree. If you are entitled to the exemption, the IRS will let you claim it and they will send a bill to your former spouse for the money he or she wrongfully obtained. Your best option may be to file your taxes as quickly as possible. Generally, the IRS will honor the filer who files first, absent evidence of fraud or error. If your ex-spouse has done this



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Article 139, UCMJ, offers monetary claim relief

MANUEL CARO
Office of the Staff Judge Advocate, Claims Division

Article 139 of the Uniform Code of Military Justice was created to provide an administrative means for a victim to assert monetary claims directly against a Soldier who has wrongfully taken or willfully damaged the victim's property. Any individual (civilian or servicemember), business entity, government (state, territorial or local) or nonprofit organization may file such a claim. Certain requirements must be met before a claim filed under Article 139 is compensable.

Article 139 of the UCMJ allows commanders to investigate victims' claims filed that a Soldier wrongfully took or willfully destroyed their property. If substantiated, commanders may

then direct finance to pay the victim directly from the wrongdoer's pay. Valid claims under Article 139 only include property "willfully damaged" or "wrongfully taken." Willfully damaged includes damage inflicted intentionally, knowingly, purposefully or without justifiable excuse. Valid claims under Article 139 also include damage caused by riotous, violent or disorderly acts, acts of depredation or acts showing a reckless or wanton disregard for the property rights of others. Article 139 does not include damage caused inadvertently or thoughtlessly through simple or gross negligence. Property "wrongfully taken" includes any unauthorized taking or withholding of property with the intent to deprive, temporarily or perma-

nently, the owner or person lawfully in possession of the property. It includes property taken through larceny, forgery, embezzlement, misappropriation, fraud or similar conduct. A claim that a Soldier issued a worthless check and received property in return is cognizable if evidence establishes intent to defraud. Such intent may be inferred when the Soldier fails to make good on a bad check within five working days after receiving notice of insufficient funds. A claim that a Soldier stole a check or credit card and used it to obtain items of value is also cognizable. Theft of services is not cognizable under Article 139. For example, a claimant who performed labor for a Soldier, who, in turn, fraudulently refused to pay the amount of agreed upon

compensation, cannot recover. Similarly, a claimant cannot recover under this article from a Soldier who obtained and used the personal identification number of the claimant's phone card to obtain unauthorized phone service. Article 139 claims do not include breaches of fiduciary or contractual relationships. Breach of contract does not meet the requirement for filing under Article 139. For example, if a Soldier does not pay his or her bills, a civilian business cannot file an Article 139 claim. Article 139 is not a mechanism for the collection of debts, and the Army has no interest in mediating business disputes under the guise of preventing theft. The following are the procedures involved with the Article 139 claims:

1. A claimant must file within 90 days of the incident that gave rise to the claim unless the special court martial convening authority acting on the claim determines there is good cause for delay. Good cause generally includes being unaware of Article 139 or the identity of the offender(s).
 2. The SPCMA is the approval authority who appoints an investigating officer. The IO conducts an investigation and reports findings and recommendations.
 3. The Office of the Staff Judge Advocate reviews the investigator's report for legal sufficiency.
 4. The approval authority approves or disapproves the claim.
 5. The wrongdoers will receive notice of the decision and have an opportunity to appeal.
 6. If finally approved, the claimant will receive compensation directly from the wrongdoer's pay.
- For more claim information, contact Manny Caro at 568-4369.



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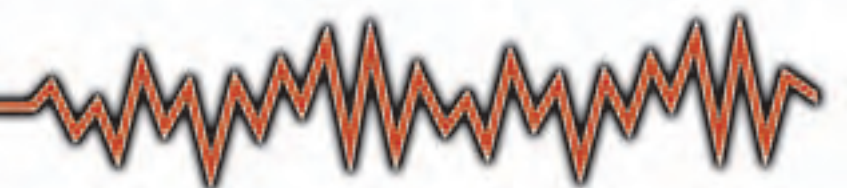
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WBAMC staff judge elementary school science fair

JULIA YUBETA

WBAMC Public Affairs

Seven staff members from William Beaumont Army Medical Center served as bilingual judges at a science fair held Jan. 30 at Deanna Davenport Elementary School in Canutillo Independent School District.

Virginia Fiske, gifted and advanced academics teacher at Deanna Davenport, coordinated the event. Seeking bilingual judges, she requested Partners in Education assistance from the School Liaison Office at Child and Youth Services here.

“Although this school does not have many military children enrolled, we seek participation from the military community at school events such as this,” said Fiske. “Our children enjoy interacting with the Soldiers and civilians from Fort Bliss, and they serve as excellent role models.”

The science fair was open to children in kindergarten through fifth grades. Participation was voluntary, with the exception of the fifth graders, who were required to submit a science project to prepare them for higher-level science classes. The children were required to use the scientific method for their project. This method consists of six steps: question, research, hypothesis, experiment, results and conclusion. The categories available to the students for their proj-

ect were life science, engineering, earth science, chemistry and physical science.

Entering the cafeteria, the judges saw rows and rows of colorful poster boards set up on the long tables. More than 120 science projects were ready to be judged. The judges were paired up and asked to rate the projects on a prepared scale. The students were able to present their projects in either Spanish or English.

“We want to encourage our students’ interest in the field of science,” said Jose Najera, second-grade teacher. “Some of the projects will be a demonstration, but by the fifth grade we want our students to be able to conduct a scientific experiment.”

Vanessa Hernandez, a fifth-grader, has participated in the science fair for several years.

“My interest in science is because I am always wondering what makes things happen, and this makes me curious about a lot of stuff,” she said.

“I came up with the idea for my science project while watching my mom stir her coffee to dissolve the sugar,” added Jennifer Ramirez, fifth grader. “My science project studied dissolving sugar granules in different forms. To help us prepare, our class went on a field trip to the Northwest Center campus of El Paso Community College, to learn more about doing



JULIA YUBETA

Daisy Torres, a fourth-grader at Deanna Davenport Elementary School, explains her life science project, “Banana Gas,” to judges Sgt. 1st. Class Tulula Barber, an Equal Opportunity representative at William Beaumont Army Medical Center, and Hilda Guzman, a teacher’s aide.

science projects.”

“I am impressed with the quality of these projects,” said Miguel Alvarado, industrial hygienist, Preventive Medicine, one of the volunteer judges. “These students have great ideas,

ideas that sparked their curiosity. They were able to express their project so that I can understand it and in a manner that demonstrated their understanding.”

Soldiers face laser at Lackland AFB

CAPT. TAMARA GONZALES

11th ADA Bde. Public Affairs

LACKLAND AIR FORCE BASE, Texas – With the common goal of gaining perfect vision, Soldiers here headed to San Antonio last week for refractive eye surgery.

“It is a life-changing event,” said Staff Sgt. David Tague, 11th Air Defense Artillery Brigade medic and noncommissioned officer in charge of the Fort Bliss refractive eye surgery program. “No longer do you have to wear glasses during (physical training), weapons qualification or any other military or civilian event.”

Early Jan. 28, Soldiers filed onto vans and were taken to Lackland’s Joint Warfighter Refractive Surgery Clinic where they were told to use lubricat-

ing eye drops as they waited for their pre-operation examinations.

“I look forward to being able to wear regular sunglasses (instead of) wearing optical inserts (or) having to stumble around in the morning looking for my glasses when they fall off the night stand,” said Capt. Myron Rone, commander of B Battery, 5th Battalion, 52nd Air and Missile Defense.

Upon qualification, Soldiers returned to the clinic the following day to undergo the surgery. Prior to that, they received briefs on the surgical procedure, side effects and post-operative treatments.

“Nothing is more gratifying than to help someone improve their quality of life,” said Kathy Dinan, clinic manager. “Not having Soldiers rely on contacts or glasses makes them a better warfighter.”

The goal of refractive surgery is to flatten the cornea, resulting in corrected vision. The two most common types of surgery are Photorefractive Keratectomy and Laser-Assisted in situ Keratomileusis. During PRK a laser beam enters the front of the eye to either flatten the front of the cornea for nearsighted patients or steepen it for those who are farsighted. PRK is also used to correct astigmatism.

LASIK makes the same corrections as PRK; however, it does not use a laser to treat the cornea’s surface. Instead, a circular flap of corneal tissue is removed, the correction made and the flap replaced.

For Soldiers who do not qualify for LASIK or PRK, a third option exists in the Implantable Collamer Lens. During ICL, a corrective lens is inserted behind the cornea. Soldiers wanting to undergo ICL require a special appointment at a later time.

“The most important thing is for Soldiers to do their own research to educate themselves on what their options are,” said Dinan.

Following surgery, the Soldiers remained at Lackland for the next day’s follow-up appointments. They returned to Fort Bliss Thursday and remained on convalescent leave until Tuesday. They return to



Spc. Letitia House puts drops in the eyes of Spc. Josh Buck, while waiting for the pre-operative exam.



COURTESY PHOTOS

Maj. Matthew McCauley, Brook Army Medical Center ophthalmologist, performs Photorefractive Keratectomy surgery on Sgt. Maj. Osvaldo Del Hoyo.

work Wednesday following a post-operation exam.

Soldiers wanting to undergo this surgery are required to start an optometry pre-operation exam here or at William Beaumont Army Medical Center 30 days prior to heading for Lackland. They also need to stop wearing contacts 30 days prior to the exam.

Soldiers interested in the procedure should pick up a refractive surgery packet from Tague at the Soldier Family Medical Clinic or call 568-1866.

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Military women's health care, spouse employment gaining attention

JOHN J. KRUZEL

American Forces Press Service

WASHINGTON – With help from a Defense Department committee, issues concerning military women's health care and spouse employment are gaining more attention from policy makers and commanders in the 85 percent male U.S. forces.

Armed with a \$500,000 budget, the Defense Advisory Committee on Women in the Services held focus group sessions in 2007 with female troops of varying rank and combat experience at 10 military bases. In an annual report released Jan. 30, the women's committee depicted a U.S. military dealing with gender-specific concerns.

In an interview Thursday, Mary Nelson, the chairwoman of DACOWITS, said she was surprised to discover the level of appreciation female servicemembers expressed after participating in DACOWITS focus groups.

"We tell them the secretary of defense has sent us out here to hear your issues," Nelson said. "And I think that means a lot to them that somebody wants to hear what their concerns are, and wants to be sure that their treated fairly and that they're getting a fair chance."

Based on feedback from last year's

round of focus groups, DACOWITS has recommended military medical screenings be retooled to include Pap smears and other women-specific assessments. The group advocates creating pre- and post-deployment medical screening questionnaires designed with females in mind.

For deployed female servicemembers, the most common health risk is urinary tract infection, Nelson said. Though both men and women can contract UTI, physiological differences make women much more vulnerable to UTIs than men.

"They're out on these 10-hour convoys where there is nowhere for (women) to urinate," said Mary Nelson, the chairwoman of DACOWITS. "They can't stop the convoy and get out."

On other feminine health issues, Nelson said that while some problems that arise in the field likely are unavoidable, others could be mitigated or avoided entirely by educating women before deploying. "There are some things that can be addressed, and one of them is the kind of clothing they should wear," she said.

During pre-deployment preparations, many female servicemembers also aren't informed certain types of birth control are ill-suited for conditions

in theater, Nelson said.

"If you take the (birth control) patch, and you're sweating all day, it's not going to stay on," she said. "There's one form of birth control that needs to be refrigerated. Well, they don't have the facilities."

To educate female troops on such issues, the committee is recommending an instructional manual geared towards female servicemembers the Army publishes be disseminated more widely. DACOWITS also suggests establishing support outlets that connect females returning from deployments, allowing them to unburden themselves emotionally with other women.

DACOWITS, started in 1951 by Defense Secretary George C. Marshall as a committee tasked with recruiting women for military service, has expanded its scope over the years. The committee now provides advice and recommendations on improving women's experience in the armed forces.

In 2002, the committee's purview extended to include family issues related to recruitment and retention. This year's report advocates initiatives to enhance the satisfaction of military spouses – the majority of whom are women – which DACOWITS considers "a retention issue not to be ignored."

A 2006 survey revealed 77 percent of spouses want to work, although nearly 48 percent were not employed at the time of the survey, according to information published by DACOWITS. Moreover, 73 percent of DACOWITS focus group participants said they were trained for a specific career and more than half of these said they are currently working in the career for which they are trained.

A wide range of programs and support systems are in place for spouses desiring employment, but these are often hidden and unknown to the uninitiated, DACOWITS said. Broader dissemination of information, therefore, is essential to maintaining the satisfaction of servicemember spouses.

Nelson said soon after arriving at a military base, families are invited to initial briefings that could include information of interest to military spouses, including employment.

"We ought to get our spouses to come, so we suggested that the military units send out invitations specifically to spouses, and that in that initial briefing they talk about employment opportunities," she said. "Now we're not suggesting that they have to tell them everything that's possible, but at least point them in the (right) direction."

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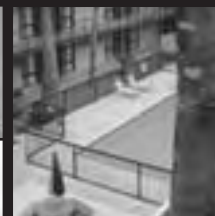


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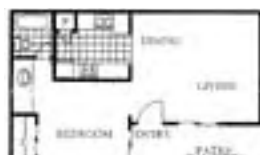
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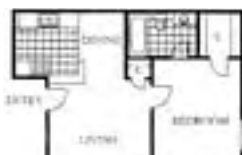


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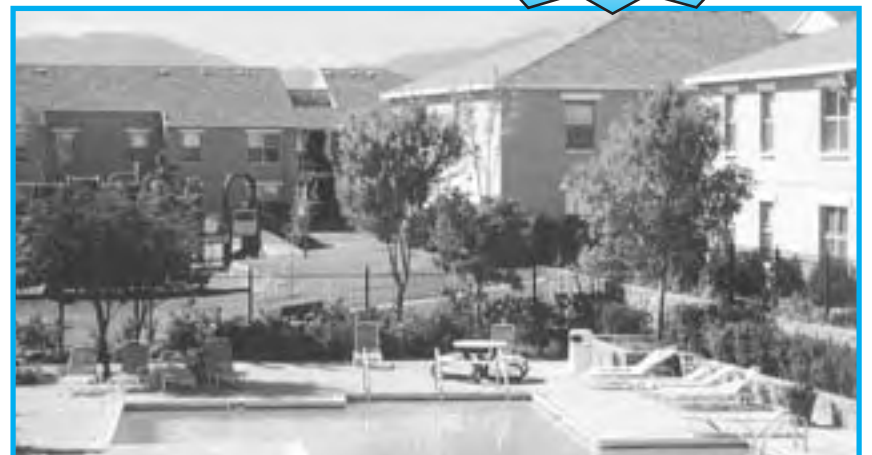
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